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| ART UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | | Application No. | Applicant(s) |
|---|---|---|---|
| | | 09/918,376 | RODRIGUEZ ET AL. |
| **Office Action Summary** | | Examiner | Art Unit |
| | | James Sheleheda | 2623 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *18 January 2006*.

2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-128* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-128* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/30/01*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

# DETAILED ACTION

## *Election/Restrictions*

1.      The restriction requirement, mailed 12/15/05, has been withdrawn.

## *Claim Rejections - 35 USC § 102*

2.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on·sale in this country, more than one year prior to the date of application for patent in the United States.

3.      Claims 1-4, 9-14, 16-20, 58-63, 73-75 and 77-81 are rejected under 35

U.S.C. 102(b) as being anticipated by Payton (5,790,935) (of record).

As to claim 1, Payton discloses a dual mode file system in a subscriber network

television system (Fig. 2), comprising:

a memory with logic (software inherently present in memory to control the local

server, 28; column 6, lines 1-50);

a processor configured with the logic (inherently present to control the local

server, 28; column 6, lines 1-50) to use remote data to support the processor (content

stored at the central server instead of locally; column 7, lines 13-20 and lines 47-55)

until the logic detects that local data is available (determining that the requested video is

stored locally; column 7, lines 13-18).

As to claim 58, Payton discloses a dual mode file method in a subscriber network system (Fig. 2), comprising the steps of:

searching for local data (column 7, lines 13-20);

using remote data (content stored at the central server instead of locally; column 7, lines 13-20 and lines 47-55) until the local data is detected until the logic detects that local data is available (determining that the requested video is stored locally; column 7, lines 13-18).

As to claim 2, Payton discloses wherein the logic is further configured to support the processor with the remote data and the local data when the logic detects that the local data is available (simultaneously displaying and storing locally to allow pause and rewind; column 8, lines 11-25).

As to claims 3 and 60, Payton discloses wherein the remote data and the local data includes media content (column 4, lines 57-58).

As to claims 4 and 59, Payton discloses wherein the local data is located in a local file system (Fig. 2; column 6, lines 1-19) and the remote data is located in a virtual file system (Fig. 2; column 4, line 55-column 5, line 5 and 26-33).

As to claims 9 and 73, Payton discloses wherein the processor is further configured with the logic to provide feedback to a user when the local file system is available (indicating if the content is locally available or not; column 6, lines 31-33).

As to claims 10 and 74, Payton discloses wherein the processor is further configured with the logic to transition from supporting the processor with data from the combination of the virtual file system and the local file system (column 8, lines 11-25) to supporting the processor with data from the virtual file system when the logic detects that the local file system is unavailable (user requesting content stored at the central server instead of locally; column 7, lines 13-20 and lines 47-55).

As to claims 11 and 62, Payton discloses wherein the logic is further configured to support the processor with data from the virtual file system (column 7, lines 13-20 and lines 47-55) by receiving the data into the memory and causing playback from the virtual file system to a screen display (column 7, lines 13-20 and lines 47-55, column 8, lines 11-21 and Fig. 5).

As to claims 12, 61 and 75, Payton discloses wherein the processor is further configured with the logic to substantially simultaneously transfer data to the local file system (transmitting content from the refresh queue to local storage whenever bandwidth is available; column 7, lines 36-56) while receiving additional data from the

virtual file system to the memory (receiving an on-demand requested movie; column 7,

lines 13-20 and lines 47-55, column 8, lines 11-21 and Fig. 5).

As to claim 13, Payton discloses wherein the logic is further configured to support

the processor with data from the local file system by receiving the data into the memory

(column 7, lines 12-18), wherein the logic is further configured to cause playback from

the memory to a screen display (Fig. 5; column 8, lines 35-37 and lines 15-21).

As to claims 14 and 63, Payton discloses wherein the logic is configured to

support the processor with data from the local file system by streaming the data from

the local file system to a display device (Fig. 5; column 8, lines 35-37 and lines 15-21).

As to claims 16 and 77, Payton discloses wherein the processor is further

configured with the logic to store in the local file system data associated with a future

media content instance (storing recommended movies in advance; column 4, lines 8-

22), wherein said data is received into the local file system in advance of the

presentation of said future media content instance (column 3, lines 18-42 and column 4,

lines 8-22).

As to claims 17 and 78, Payton discloses wherein the processor is further

configured with the logic to receive data from the virtual file system to the local file

system while substantially simultaneously uploading data from the local file system

(simultaneously displaying and storing locally to allow pause and rewind; column 8,

lines 11-25).

As to claims 18 and 79, Payton discloses wherein the processor is further

configured with the logic to perform multiple read operations and multiple write

operations in parallel to access a plurality of data in the local file system (column 7, lines

13-56 and column 8, lines 11-25).

As to claims 19 and 80, Payton discloses wherein the multiple read operations

and multiple write operations occur substantially concurrently within substantially the

same window of time (column 7, lines 13-56 and column 8, lines 11-25).

As to claims 20 and 81, Payton discloses wherein the multiple read operations

and multiple write operations share slices of a window of time as if occurring

substantially in parallel (column 7, lines 13-56 and column 8, lines 11-25).

4.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.       Claims 1, 4, 15, 21-25, 27-36, 38, 48, 49, 58, 59, 64-68, 76, 82, 83, 85-92, 94,

102-110, 119, 121 and 127 are rejected under 35 U.S.C. 102(e) as being anticipated by

Daniels (6,973,669).

As to claims 109 and 121, Daniels discloses a hyper-linked data caching system,

and corresponding method, (column 4, lines 23-38) comprising:

a memory (column 23, lines 39-42); and

a processor (24) configured with the memory (controlling the system; column 15,

lines 58-63) to cache hyper-linked data (column 24, lines 13-34) in a data structure

indexed by the time of presentation with a corresponding media content instance

(received and stored in order; column 4, lines 23-38 and column 24, lines 13-34).

As to claim 110, Daniels discloses wherein logic is further configured to retrieve

hyper-linked data corresponding to a media content instance before the presentation of

the media content instance (column 24, lines 11-34).

As to claims 119 and 127, Daniels discloses wherein the hyper-linked data

includes hyper-linked media content (column 24, lines 11-38).

As to claim 1, Daniels discloses a dual mode file system in a subscriber network

television system (column 4, lines 23-38 and column 24, lines 13-34), comprising:

a memory with logic (computer software to control the system; column 15, lines

58-63 and column 23, lines 39-42);

a processor configured with the logic (controlling the system; column 15, lines 58-63) to use remote data to support the processor until the logic detects that local data is available (displaying remote Internet web pages and local stored pages; column 24, lines 11-24 and column 23, lines 39-50).

As to claim 58, Daniels discloses a dual mode file system in a subscriber network television system (column 4, lines 23-38 and column 24, lines 13-34), comprising:

searching for local data (column 24, lines 11-38);

using remote data until the local data is detected (displaying remote Internet web pages when not locally stored; column 24, lines 11-24 and column 23, lines 39-50).

As to claims 4 and 59, Daniels discloses wherein the local data is located in a local file system (column 24, lines 11-34) and the remote data is located in a virtual file system (column 24, lines 11-24 and column 23, lines 39-50).

As to claims 15 and 76, Daniels discloses wherein the processor is further configured with the logic to receive data through an out of band channel (with a data tuner; Figs. 20-21 and column 26, lines 38-43).

As to claims 21 and 64, Daniels discloses wherein the local file system comprises a storage device with media (column 10, lines 16-40), wherein the media is partitioned into a data portion with a data format storing data and low memory

consumption media content (storing content during a "break"; column 10, lines 16-30)

and a media content portion with a media content format for storing media content

(second means for storing incoming content while user watches recorded content;

column 10, lines 30-40).

As to claims 22 and 65, Daniels discloses wherein the processor is further

configured with the logic to receive the media content into the data portion (column 10,

lines 16-30) unless the media content consumes a threshold memory capacity

(extending past the time and storage needed for the break; column 10, lines 16-30) that

results in the processor receiving the media content with at least the threshold memory

capacity into the media content portion (column 10, lines 30-40).

As to claims 23 and 66, Daniels discloses wherein the media is partitioned into a

third media content portion for streaming media content for presentation to a user (third

portion to properly store and playback after later breaks; column 14, line 37-column 15,

line 11).

As to claims 24 and 82, Daniels discloses wherein the media partitions are user

configurable (user defined based upon the length of the user breaks; column 10, lines

16-40 and column 14, line 37-column 15, line 11).

As to claims 25 and 83, Daniels discloses two tuners for receiving among a

plurality of transmission channels (column 25, lines 3-13), further comprising an out of

band channel for receiving and sending data (data tuner; Figs. 20-21 and column 26,

lines 38-43), further comprising a communication port (column 23, lines 29-35).

As to claims 27 and 85, Daniels discloses wherein the processor is further

configured with the logic to request a plurality of data simultaneously from the plurality

of the transmission channels (column 25, lines 3-13).

As to claims 28, Daniels discloses wherein the memory and the local file system

store application data (column 24, lines 11-24, column 26, lines 14-27 and column 27,

lines 35-56), application executable programs (column 24, lines 11-24, column 26, lines

14-27 and column 27, lines 35-56), and data associated with applications (column 24,

lines 11-24, column 26, lines 14-27 and column 27, lines 35-56), and data associated

with media services (column 24, lines 11-24, column 26, lines 14-27 and column 27,

lines 35-56).

As to claims 29 and 86, Daniels discloses wherein the processor is further

configured with the logic to perform a multiplicity of write operations to the local file

system substantially in parallel to store data and application clients from a subscriber

television network (column 7, line 48-column 8, line 8), from the processor, and from a

local device connected to the communication port (column 23, lines 29-35).

As to claims 30 and 87, Daniels discloses wherein the processor is further configured with the logic to perform a multiplicity of read operations from the local file system in parallel to retrieve data and application clients previously stored in the local file system (Fig. 14; column 25, lines 3-13) to transmit the respective data to a local device connected to the communication port (column 23, lines 29-35), to the memory for use by an application client or operating system executing in the processor (column 26, lines 14-27) and to be transmitted to a destination in the subscriber network (viewer preferences being sent to the television signal provider; column 26, lines 14-27).

As to claim 31, Daniels discloses wherein the processor is further configured with the logic to perform a multiplicity of read operations from the local file system in parallel to retrieve data and application clients previously stored in the local file system (Fig. 14; column 25, lines 3-13) to transmit the respective data to a local device connected to the communication port (the modem; column 23, lines 29-35), to the memory for use by an application client or operating system executing in the processor (column 26, lines 14-27) and to be transmitted to a destination outside the subscriber network (external web site; column 23, lines 29-35).

As to claims 32 and 88, Daniels discloses wherein the processor is further configured with the logic to substantially simultaneously permanently record a media content instance received from one transmission channel and temporarily store a media

content instance received from another transmission channel (column 2, lines 48-60,

column 7, line 48-column 8, line 8 and column 6, lines 48-59).


As to claims 33 and 89, Daniels discloses wherein the processor is further

configured with the logic to substantially simultaneously permanently record a media

content instance received from one transmission channel and temporarily store a media

content instance received from another transmission channel (column 2, lines 48-60,

column 7, line 48-column 8, line 8 and column 6, lines 48-59).


As to claims 34 and 90, Daniels discloses wherein the processor is further

configured with the logic to substantially simultaneously display three media content

instances (Fig. 14; column 24, line 63-column 25, line 13 and column 22, line 48-column

23, line 15), wherein two media content instances are received from the transmission

channels (Fig. 14; column 24, line 63-column 25, line 13) and the third media content

instance is received from the local file system (Fig. 14; column 24, line 63-column 25,

line 13 and column 22, line 48-column 23, line 15).


As to claims 35 and 91, Daniels discloses wherein the media content instances

from the transmission channels are received in real-time (Fig. 14; column 24, line 63-

column 25, line 13).

As to claims 36 and 92, Daniels discloses an application client, wherein the

processor is further configured with the logic to use the memory and the local file

system for storing application client data in data structures with time sensitive data

entries maintained by client daemon task (receiving and storing program scheduling

information; Fig. 22; column 27, lines 35-47).


As to claims 38 and 94, Daniels discloses wherein the processor is further

configured with the logic to receive the application client data from a plurality of in band

tuners (plurality of tuners to receive preview video for the guide; column 24, line 63-

column 25, line 13).


As to claims 49 and 103, Daniels discloses wherein the processor is further

configured with the logic to retrieve hyper-linked data corresponding to a media content

instance before the presentation of the media content instance (column 24, lines 11-34).


As to claim 67, Daniels discloses the step of receiving time sensitive data in the

local file system and in a memory (link information related to particular moments in the

presentation; column 4, lines 23-38 and column 24, lines 13-34), further comprising the

step of storing the time sensitive data in a data structure indexed by time (received and

stored in order; column 4, lines 23-38 and column 24, lines 13-34), further comprising

the step of updating the data structure entries as the time indexes substantially elapse

(storing link information for the later programs; column 4, lines 23-38 and column 24,

lines 13-34), further comprising the step of retrieving the time sensitive data from the local file system and causing the presentation of the time sensitive data in coordination with the presentation of a media content instance (column 4, lines 23-38 and column 24, lines 13-34).

As to claims 48, 68 and 102, Daniels discloses the step of receiving sprites from the virtual file system and storing the sprites in the local file system (web graphics; column 4, lines 23-38 and column 24, lines 1-34), further comprising the step of retrieving the sprites from the local file system and causing the presentation of the sprites in coordination with the presentation of a media content instance (column 4, lines 23-38 and column 24, lines 13-34).

As to claim 104, Daniels discloses a media client device (Figs. 1 and 2) comprising:

a memory (column 15, lines 58-63 and column 23, lines 39-42);

a plurality of tuners (column 25, lines 3-13); and

a processor configured with the memory (controlling the system; column 15, lines 58-63) to transition from supporting playback of media content from a virtual file system (column 24, lines 11-24 and column 23, lines 39-50) to a combination of the virtual file system and a local file system depending on the availability of the local file system (displaying remote Internet web pages and local stored pages; column 24, lines 11-24 and column 23, lines 39-50).

As to claim 105, Daniels discloses wherein the processor is further configured with the memory to substantially simultaneously receive, decode and composite into a single display presentation the audio, video, graphical and textual data of a first TV channel (column 6, lines 27-46) while substantially simultaneously storing in the local file system the audio, video, graphical and textual data of the first TV channel (column 6, lines 27-46).

As to claim 106, Daniels discloses wherein the processor is further configured with the memory to substantially simultaneously receive, decode and composite into a single display presentation the audio, video, graphical and textual data of a first TV channel (column 7, line 38-column 8, line 7) while substantially simultaneously reading, decoding, and compositing into the same single display presentation the audio, video, graphical and textual data of a second TV channel, previously stored in the local file system, on a real time basis (column 7, line 38-column 8, line 7).

As to claim 107, Daniels discloses wherein the processor is further configured with the memory to substantially simultaneously receive, decode and composite into a single display presentation the audio, video, graphical and textual data of a first TV channel (column 7, line 38-column 8, line 7) while substantially simultaneously reading, decoding, and compositing into the same single display presentation the audio, video, graphical and textual data of a second TV channel, previously stored in the local file

system, on a real time basis (column 7, line 38-column 8, line 7), while substantially simultaneously reading media content and data corresponding to a third TV channel that was previously stored in the local file system (column 7, line 38-column 8, line 7) and decoding, and compositing into a single display presentation the audio, video, graphical and textual data of the third TV channel (column 7, line 38-column 8, line 7).

As to claim 108, Daniels discloses wherein the processor is further configured with the memory to retrieve previously stored digital audio in the local file system (column 6, lines 47-59 and column 7, lines 38-41), and playing back the audio to complement a first TV channel (simultaneously playback of two different content; column 7, lines 38-41).

6.      Claims 1, 4, 36, 37, 39-47, 58, 59, 92, 93 and 95-101 are rejected under 35 U.S.C. 102(e) as being anticipated by Schein et al. (Schein) (6,002,394).

As to claim 1, Schein discloses a dual mode file system in a subscriber network television system (Fig. 1), comprising:

a memory with logic (column 6, lines 61-65);

a processor configured with the logic (column 6, lines 61-65) to use remote data to support the processor until the logic detects that local data is available (wherein required software is remotely downloaded before the local EPG can function; column 5, lines 38-65).

As to claim 58, Schein discloses a dual mode file method in a subscriber network

television system (Fig. 1), comprising:

searching for local data (column 5, lines 38-65);

using remote data until the local data is detected (wherein required software is

remotely downloaded before the local EPG can function; column 5, lines 38-65).


As to claims 4 and 59, Schein discloses wherein the local data is located in a

local file system (column 5, lines 38-65) and the remote data is located in a virtual file

system (remote EPG database; column 5, lines 38-65).


As to claims 36 and 92, Schein discloses an application client, wherein the

processor is further configured with the logic to use the memory and the local file

system for storing application client data in data structures with time-sensitive data

entries maintained by an application client daemon task (local database storing a

program guide with channel and time entries for programs; column 7, lines 16-45 and

column 9, line 22-column 10, line 28).


As to claims 37 and 93, Schein discloses wherein the processor is further

configured with the logic to receive the application client data from an in-band tuner

(received with the video signals; column 6, line 51-column 7, line 10).

As to claims 39 and 95, Schein discloses wherein the application client is an electronic programming guide with electronic program guide information (column 7, lines 16-45 and column 9, line 22-column 10, line 28), wherein the electronic programming guide information includes a list of media content instances for a standard amount of days (column 9, line 22-column 10, line 28), a list of media content instances for an extended amount of days (column 9, line 22-column 10, line 28), channels for the media content instances (column 9, line 22-column 10, line 28), standard description information for the media content instances (column 9, line 22-column 10, line 28), long description information for the media content instances (column 9, line 22-column 10, line 28), and media content instance preview audio and video clips (column 22, lines 3-9).

As to claims 40 and 96, Schein discloses wherein the processor is further configured with the logic to receive the electronic programming guide information entirely into the memory (column 9, lines 22-62), wherein the processor is further configured with the logic to access the electronic programming guide information for presentation in a display device (column 14, lines 18-33).

As to claims 41 and 97, Schein discloses wherein the processor is further configured with the logic to receive the electronic programming guide information entirely into the local file system (column 9, lines 22-62), wherein the processor is

further configured with the logic to access the electronic programming guide information

for presentation in a display device (column 14, lines 18-33).

As to claim 42, Schein discloses wherein the processor is further configured with

the logic to receive the list of media content instances for an extended amount of days

and the corresponding standard description information into the local file system

(column 9, line 22-column 10, line 28).

As to claim 43, Schein discloses wherein the processor is further configured with

the logic to receive the list of media content instances for an extended amount of days

and the corresponding standard description information and long description information

into the local file system (column 9, line 22-column 10, line 28).

As to claims 44 and 98, Schein discloses wherein the processor is further

configured with the logic to receive the long description information into the local file

system for the list of media content instances for the standard amount of days stored in

the memory (column 9, line 22-column 10, line 28).

As to claims 45 and 99, Schein discloses wherein the processor is further

configured with the logic to receive the media content instance previous audio and data

clips associated with the media content instances for the standard amount of days and

store said media content instance preview audio and data clips into the memory

(column 9, line 22-column 10, line 28 and column 22, lines 3-9).

As to claims 46 and 100, Schein discloses wherein the processor is further

configured with the logic to transfer said media content instance previous audio and

data clips from the memory to the local file system (Fig. 3; column  8, line 35-column 9,

line 22 and column 22, lines 3-9), wherein the processor is further configured with the

logic to access said media content instance preview audio and data clips from the local

file system to the memory (Fig. 3; column  8, line 35-column 9, line 22 and column 22,

lines 3-9), wherein the processor is further configured with the logic to present said

media content preview audio and data clips on a display device from the memory (Fig.

3; column  8, line 35-column 9, line 22 and column 22, lines 3-9).

As to claims 47 and 101, Schein discloses wherein the processor is further

configured with the logic to transfer said media content instance previous audio and

data clips from the memory to the local file system (Fig. 3; column  8, line 35-column 9,

line 22 and column 22, lines 3-9), wherein the processor is further configured with the

logic to access said media content instance preview audio and data clips from the local

file system (Fig. 3; column  8, line 35-column 9, line 22 and column 22, lines 3-9) and

present said media content preview audio and data clips on a display device from the

local file system (Fig. 3; column  8, line 35-column 9, line 22 and column 22, lines 3-9).

### *Claim Rejections - 35 USC § 103*

7.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.      Claims 50-57, 111-118, 120, 122-126 and 128 are rejected under 35 U.S.C.

103(a) as being unpatentable over Daniels in view of Shimoji et al. (Shimoji)

(6,757,911).

As to claims 50, 120 and 128, while Daniels discloses wherein the hyper-linked

data is maintained in entries in a hyper-linked data structure (column 24, lines 11-34),

he fails to specifically disclose wherein the data structure is indexed by time and date

and service.

In an analogous art, Shimoji discloses a broadcast distribution system (Fig. 4)

which associates hyper-linked content with broadcast content (column 12, lines 9-23)

wherein the hyper-linked content is indexed by date, time and service (Fig. 7, Fig. 15,

column 17, lines 24-35, column 19, lines 1-7, column 23, lines 7-43) for the typical

benefit of ensuring that the receiver can properly navigate between content for specific

time periods (column 14, lines 3-12 and column 17, lines 24-35).

It would have been obvious to obvious to one of ordinary skill in the art at the

time of invention by applicant to modify Daniels system to include wherein the data

structure is indexed by time and date and service, as taught by Shimoji, for the typical

benefit of ensuring that the receiver can properly navigate between content for specific

time periods.

As to claims 51, 111 and 122, while Daniels discloses wherein the hyper-linked

data is maintained in entries in a hyper-linked data structure (column 24, lines 11-34),

he fails to specifically disclose wherein the data structure is indexed by time and date

and channel.

In an analogous art, Shimoji discloses a broadcast distribution system (Fig. 4)

which associates hyper-linked content with broadcast content (column 12, lines 9-23)

wherein the hyper-linked content is indexed by date, time and channel (Fig. 7, Fig. 15,

column 17, lines 24-35, column 19, lines 1-7, column 23, lines 7-43) for the typical

benefit of ensuring that the receiver can properly navigate between content for specific

time periods (column 14, lines 3-12 and column 17, lines 24-35).

It would have been obvious to obvious to one of ordinary skill in the art at the

time of invention by applicant to modify Daniels system to include wherein the data

structure is indexed by time and date and channel, as taught by Shimoji, for the typical

benefit of ensuring that the receiver can properly navigate between content for specific

time periods.

As to claims 52, 112 and 124, Daniels and Shimoji disclose wherein the hyper-

linked data entries are valid for a specific time (see Daniels at column 27, lines 1-20 and

Shimoji at Fig. 7), after which said hyper-linked data associated with an elapsed data

entry is replaced with a replacement hyper-linked data that also is valid for a specific

time (storing new time dependent commercial information; see Daniels at column 24,

lines 11-24 and column 27, lines 1-20).


As to claims 53, 113, 114 and 125, Daniels and Shimoji disclose wherein the

hyper-linked data structure provides a channel directory (Fig. 15 and column 23, lines 7-

43) and subdirectories segregated into time blocks corresponding to the media content

instance time period of presentation, wherein the time blocks include a current time

block and an upcoming time block (see Shimoji at Fig. 7 and column 19, lines 1-7 and

lines 40-46).


As to claims 54 and 115, Daniels and Shimoji disclose wherein the current time

block and upcoming time block are further segregated into time slots of increased

granularity corresponding to the time presentation of the hyper-linked data with a

corresponding instance in a media content instance within said time blocks (see Shimoji

at Fig. 7 and column 19, lines 1-7 and lines 40-46).


As to claims 55, 116 and 123, Daniels and Shimoji disclose wherein the

hyperlinked data structure is updated continuously by the application client to maintain

the hyperlinked data for current upcoming media content instances (see Daniels at

column 24, lines 11-24 and column 27, lines 1-20).

As to claims 56 and 117, Daniels and Shimoji disclose wherein the application

client is further configured to update the hyper linked data when the time and date has

substantially elapsed (new content for next program; see Daniels at column 24, lines

11-24 and column 27, lines 1-20).


As to claims 57, 118 and 126, Daniels and Shimoji disclose wherein the

application client is further configured to use the local file system for caching

hyperlinked data into the local file system from the virtual file system (see Daniels at

column 24, lines 11-24 and column 27, lines 1-20), wherein the hyperlinked data

corresponds to data located in a designated time slot of a presentation of a media

content instance (see Daniels at column 24, lines 11-24 and column 27, lines 1-20),

wherein the application is further configured to retrieve the hyper linked data from the

local file system and present it during its designated time slot during the presentation of

the media content instance (see Daniels at column 24, lines 11-24 and column 27, lines

1-20).


9.      Claims 26 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Daniels.

As to claims 26 and 84, while Daniels discloses a plurality of transmission

channels, he fails to specifically disclose at least one digital transmission channel and at

least one analog transmission channel.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant for a television receiver to utilize both an analog and digital transmission channel, such as when receiving both off-air television and digital satellite, for the typical benefit of providing a viewer with an increased amount of information and content by allowing access to both digital and analog content providers and connections.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Daniels' system to include at least one digital transmission channel and at least one analog transmission channel for the typical benefit of providing a viewer with an increased amount of information and content by allowing access to both digital and analog content providers and connections.

10.     Claims 5-8 and 69-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Payton.

As to claims 5-8 and 69-72, while Payton discloses a processor configured with logic controlling a local file system, he fails to specifically disclose detecting when the system is connected, disconnected, operable or inoperable.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant a computer system to identify the current operating status of components, such as operability and connection, for the typical benefits of detecting whether problems exist within a system and if action needs to be taken.

It would have been obvious to one of ordinary skill in the art at the time of

invention by applicant to modify Daniels' system to include detecting when the system is

connected, disconnected, operable or inoperable for the typical benefits of detecting

whether problems exist within a system and if action, such as limiting functionality to

avoid a component or indicating a need for repair, is needed.


### *Conclusion*

11.     The following are suggested formats for either a Certificate of Mailing or
Certificate of Transmission under 37 CFR 1.8(a).  The certification may be included with
all correspondence concerning this application or proceeding to establish a date of
mailing or transmission under 37 CFR 1.8(a).  Proper use of this procedure will result in
such communication being considered as timely if the established date is within the
required period for reply.  The Certificate should be signed by the individual actually
depositing or transmitting the correspondence or by an individual who, upon information
and belief, expects the correspondence to be mailed or transmitted in the normal course
of business by another no later than the date indicated.


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    Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning
facsimile transmissions and mailing, respectively.

12.    Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James Sheleheda whose telephone number is (571)

272-7357. The examiner can normally be reached on 9:00-5:30.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

　　　　Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free).

　　　　　　　　　　　　　　　　　　　　　James Sheleheda
　　　　　　　　　　　　　　　　　　　　　Patent Examiner
　　　　　　　　　　　　　　　　　　　　　Art Unit 2623

JS

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